

KANSAS CHEMIGATION SAFETY LAW INFORMATION AND REQUIREMENTS

This leaflet sets forth some of the requirements of the Kansas Chemigation Safety Law and the Regulations established for its administration as they pertain to Chemigation User's Permits. Copies of the Law and Regulations are available upon request from the Kansas Department of Agriculture's Records Center, Chemigation Section.

I. Qualifying for a Permit

WHO IS REQUIRED TO HAVE A PERMIT

A Chemigation User's Permit (CUP) is required for all those who engage in chemigation. "Chemigation" means any process whereby pesticides, fertilizers, or other chemicals or animal wastes are added to irrigation water applied to land or crops, or both, through an irrigation distribution system. Permits are issued to persons who own or operate the land on which chemigation is to be used. A permit may be issued to a corporation or partnership provided the names and addresses of the officers or partners are recorded on the application.

HOW TO QUALIFY FOR A PERMIT

1. Submit a Application for Chemigation User's Permit. (*CSL-100*)
2. Submit a Plan for Using Required Anti-Pollution Devices. (*CSL-457*)
3. Submit a Plan for Handling Tailwater or other accumulations of water. (*CSL-120*)
4. Pay required fees: Fee for the first well or point of diversion is \$75. Plus \$15 for each **additional** well or other point of diversion. Permit fees are required annually when the chemigation process is used.
5. Pass a Chemigation Equipment Operator Certification exam provided by the Secretary of Agriculture, complete an application and pay a fee of \$25. Or have one or more employees who are certified Chemigation Equipment Operators.

COMPLETING APPLICATION FORM

1. Follow the instructions printed on the back of the pink application sheet.
2. Print or type the name of the desired permit holder in the space provided (If individual: Last Name, First Name, Middle Initial; if a corporation or partnership: Federal Tax I.D. Number, and names and addresses of the officers or partners.
3. List the legal description (1/4 1/4 1/4 Section/Township/Range) and water right file number of each irrigation well or other point of water diversion in the spaces provided. **Do not record location of the center pivots.**
4. Indicate type of irrigation system.
5. Sign and date application.
6. Pay applicable fees. User and CEO fees may be combined and one check issued. **Do not pay CEO fee twice.** To calculate fees, use the fee schedule and calculation table printed on the bottom of the instructions page to avoid over/under payments. Make Money Order/check payable to: **Kansas Department of Agriculture**. Sending currency through the mail is discouraged. FEES ARE NON-REFUNDABLE.

PERMIT
EFFECTIVE
PERIOD,
PERMIT
RENEWAL

1. Each Chemigation User's Permit expires on December 31 of the year of issue.
2. A Chemigation User's Permit may be renewed each year, if the chemigation process will be performed. A Chemigation User's Permit must be in hand before chemigating. Permits will be renewed upon completion of the renewal application, payment of the appropriate fees, and submitting a chemical application report for the previous year. Renewal packets will be mailed in December to CUP holders who chemigated within the last three years.

I. Responsibilities of Permit Holder

ANTI-
POLLUTION
DEVICES
(GENERAL)

1. Anyone using the chemigation process, including animal waste, must first install anti-pollution devices on the irrigation equipment being used. "Anti-pollution devices" are mechanical equipment used to reduce hazards to the environment in cases of malfunction of the equipment during chemigation. These include:
 - a. WATER LINE CHECK VALVE - Main water line check valves shall be automatic, quick-closing devices capable of preventing the backflow of water-chemical mixtures into the source of water supply during times of system failure or equipment shutdown;
 - b. VACUUM RELIEF DEVICE - A functional vacuum relief device shall be used between the water line check valve and the irrigation pump to reduce the chance of chemicals being back-siphoned into the water source;
 - c. INSPECTION PORT - An easily accessible inspection port shall be located between the pump discharge and the check valve, and situated so the automatic low pressure drain can be observed through the port, and the check valve flapper can be physically manipulated. The port shall have a minimum four-inch diameter orifice or viewing area;
 - d. AUTOMATIC LOW PRESSURE DRAIN - An automatic low pressure drain shall be installed between the water line check valve and the irrigation pump. The drain must be flush or recessed or have a dam installed upstream of the drain;
 - e. INTERLOCK - An interlock system shall be used between the power system of the injection unit, the irrigation pumping plant and the pivot, if involved; the interlock shall function so that if the irrigation pump stops, the injection pump will also stop.
2. Anti-pollution devices shall be maintained in a functional state for any irrigation system used in the chemigation process.

ANTI-
POLLUTION
DEVICES AND
CHEMICAL
INJECTION

1. Anti-pollution devices and injection equipment for fertilizers and chemicals other than pesticides shall also include:
 - a. CHEMICAL INJECTION LINE CHECK VALVE - A chemical injection line check valve shall be installed in the injection line; this device shall be used to prevent the flow of water from the irrigation system into the chemical supply tank and to prevent gravity flow from the chemical supply tank into the irrigation system;
 - b. A manually-operated valve on the chemical supply tank;
 - c. A strainer located on the suction side of the chemical injection pump;
 - d. A calibration device of sufficient volume to accurately calibrate the injection pump.

2. Additional injection equipment for PESTICIDES (insecticides, herbicides, fungicides, etc.) shall include:
 - a. An air bleeder valve for the injection pump and high pressure injection line;
 - b. A positive displacement injection pump (such as a diaphragm or piston pump);
 - c. Any other equipment required by the pesticide's label or labeling.
 3. The injection equipment used shall be constructed and maintained in a manner which ensures application of pesticides within label recommendations and application of fertilizers within the planned application rate. Injection equipment shall be calibrated before each chemical application.
 4. Any individual operating chemigation equipment under a Chemigation User's Permit shall be responsible for the safe operation of such chemigation equipment and any such equipment shall be considered to be under the direct supervision of the Chemigation User's Permit holder.
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CHEMIGATION EQUIPMENT OPERATOR'S CERTIFICATION

1. A Chemigation User's Permit may not be issued to any person unless that person is a certified Chemigation Equipment Operator, or has in his or her employ at least one certified Chemigation Equipment Operator.
 2. A certified Chemigation Equipment Operator is an individual who has successfully completed an examination provided by the Kansas Department of Agriculture. The certification manual and examination can be obtained from the Kansas Department of Agriculture. An applicant for certified Chemigation Equipment Operator is required to correctly answer at least 75% of the questions to pass the examination.
 3. The certification period is for five years and expires on December 31 of the fourth calendar year after the year of issue. The fee for the five-year certification is \$25.
 4. A certificate and pocket card will be issued to each certified person upon his or her satisfactory completion of the requirements for certification. The certified Chemigation Equipment Operator shall produce such certificate or pocket card when requested to do so by any law enforcement official, the Secretary of Agriculture or any authorized representative of the Secretary of Agriculture.
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SUPERVISION

1. Anyone obtaining a Chemigation User's Permit shall have in his or her employ at least one certified Chemigation Equipment Operator who shall be responsible for the supervision of the chemigation equipment to ensure its safe and accurate operation.
 2. No certified Chemigation Equipment Operator shall supervise more than ten (10) operating chemigation units at one time, or additional certified Chemigation Equipment Operators must be employed.
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RECORDS AND REPORTS

1. Each person using the chemigation process shall keep records regarding each application of any chemical other than water or animal waste. The records shall contain the following:
 - a. The type of chemical used;
 - b. The amount of active ingredient used;
 - c. The date of use;
 - d. The legal description of the location of the water supply or the point of water diversion;
 - e. The total number of acres treated by means of chemigation;

- f. The type of crop to which the chemical was applied; AND, in case of pesticides:
 - g. The EPA registration number of each pesticide applied;
 - h. The name of the target pest stated as the common name of the pest or pests. (Example: Southwestern Cornborer, Grassy weeds, etc.)
2. Persons who apply only animal wastes shall keep records regarding each application of animal waste through the irrigation system. The records shall contain the following information:
 - a. Beginning date of use;
 - b. The legal description of the location of the water supply or the point of water diversion;
 1. The gallons pumped, or approx. gallons per minute pumped;
 2. Acres treated;
 3. Crop (if any).
3. Record gallons, or hours pumped and approximate gallons per minute. 3. Records required under this section shall be retained by the holder of the Chemigation User's Permit for a period of not less than two years from the date of application.
4. Each application for renewal of a Chemigation User's Permit must be accompanied by a copy of the records for chemigation use during the previous year as described above. NOTE: The Kansas Department of Agriculture's Records Center, Chemigation Section, annually distributes renewal packets containing the "Chemical Use Report" forms. Indicate "None" or "Did not chemigate" on each form where chemigation was not performed. ALL Chemical Use Report forms must be completed and returned.

SPILLS, ACCIDENTS

The chemigation permit holder shall report immediately to the Secretary of Agriculture and to the Secretary of Health and Environment all spills, accidents, system malfunctions, or other situations involving actual or potential contamination of either ground or surface water. Failure to do so could result in the assessment of civil penalties of up to \$5,000 per day. Emergency telephone numbers are shown on the Chemigation User's Permit.

MANAGEMENT AND SUPERVISION ARE THE KEY FACTORS TO SUCCESSFUL CHEMIGATION

REMINDER

- ✓ Maintain Safety Equipment
- ✓ Inspect Safety Equipment Before Each Chemigation Event
- ✓ Wear Personal Protective Equipment
- ✓ Calibrate the Injection Pump
- ✓ Flush the System After Chemigation

**KEEP THIS LEAFLET
FOR YOUR REFERENCE PURPOSES**

All correspondence should be directed to:
Kansas Department of Agriculture
Records Center, Chemigation Section
109 SW 9th St.
Topeka, KS 66612-1281